

**BEFORE THE  
NATURAL RESOURCES COMMISSION  
OF THE  
STATE OF INDIANA**

<b>IN THE MATTER OF:</b>	)	
	)	
<b>PETITION FOR RATE INCREASE</b>	)	<b>ADMINISTRATIVE CAUSE</b>
<b>BY FOUR WINDS RESORT AND</b>	)	<b>NUMBER: 08-079P</b>
<b>MARINA</b>	)	

**REPORT OF HEARING OFFICER, INCLUDING FINDINGS  
AND PROPOSAL TO THE NATURAL RESOURCES COMMISSION  
AS TO ITS RECOMMENDATIONS TO THE U.S. ARMY CORPS ENGINEERS**

**1. PETITION FOR RATE INCREASE BY FOUR WINDS RESORT AND MARINA**

Four Winds Resort and Marina (*Four Winds*) found it necessary to submit a petition for rate increase in 2008 due to a failure to obtain formal Commission establishment of rates for certain sizes of slips through its 2007 petition. Despite Four Winds’ intent to obtain the establishment of rates for the slips the failure to do so resulted from Four Winds interpretation of Information Bulletin #20 (First Amendment) published in the *Indiana Register* on August 1, 2003 (26 IR 3761) that controls the processing of petitions for rate increases at marinas under lease with the Department, and a failure to identify and expressly seek approval of certain interim rates authorized by the Department. A certain amount of background information is provided here for the purpose of facilitating Commission consideration of Four Winds’ 2008 petition. The instant petition involves rates for only 30’ covered slips, 36’ covered slips, 42’ uncovered slips, 48’ covered slips, 54’ covered slips, 72’ covered slips and 76’ uncovered slips (*collectively referred to as “Effected Slips”*).

During the winter of 2004 several docks at Four Winds were damaged or destroyed by a snowstorm and resulting snow accumulations. During the reconstruction of these docks, the size of certain slips were modified. Because the modified slips were of sizes different from the sizes of slips for which Four Winds had previously obtained rate approval from the Commission and U.S. Army Corps of Engineers, in 2005 Four Winds received Department authorization, in accordance with Information Bulletin #20 (First Amendment) to charge interim rates. Information Bulletin #20 (First Amendment) states:

**6. Interim Rate Adjustments or Clarifications**

The commission delegates authority to the director of the division of state parks and reservoirs to approve interim rate adjustments for projects or slips not addressed in this process due to new construction or modification of existing facilities. The rates apply only until the next rate cycle,

however, when a lessee must present a petition for rate approval as provided in this information bulletin.

The last sentence of Section 6 of Information Bulletin #20 was interpreted by Doug Traina, President and CEO of TEI Industries, the owner of Four Winds, to require Four Winds to “include any interim rates for final approval the very next time we request a rate increase.” *See letter dated March 10, 2008*) Contrary to Mr. Traina’s interpretation, the actual intent was that a marina receiving authorization to charge an interim rate would file a petition by April 1 following receipt of that authorization in order to seek Commission approval of that rate or the establishment of a different rate. Due to Four Winds interpretation of Section 6, the interim rates for the Effected Slips, were not brought before the Commission in 2006 but instead were included in Four Winds’ 2007 rate increase petition.

Prior to 2007, the Commission’s last rate making proceeding involving Four Winds occurred in 2002. In 2007 Four Winds’ petition identified the Effected Slips and listed the associated current rate and proposed increases to that current rate; however, throughout the review of Four Winds’ petition there was no express identification of any rates as interim rates or notification that the Commission had never established a permanent rate for the Effected Slips. Consequently, the hearing officer proposed that the Commission recommend to the U.S. Army Corps of Engineers (*USACE*) that a percentage increase above the 2002 rates be approved and the Commission adopted that approach. Ultimately the Commission offered the following recommendation to the USACE:

It is recommended that the rates approved for Four Winds Resort & Marina in 2002 be increased as follows:

1. A 3% increase is recommended for slips located on Four Winds’ A, B, & C Docks.
2. Notwithstanding paragraph 16, Four Winds should be authorized to increase rates up to 5% for fifty (50) slips on Dock A that have already been replaced and twenty (20) slips on Dock B that are new.
3. With respect to all remaining slips within Four Winds’ marina facility it is recommended that Four Winds be granted a rate increase of 5%.

*See Findings and Recommendation by the Natural Resources Commission to the U.S. Army Corps of Engineers, September 28, 2007.* The impact of the Commission’s 2007 recommendation was to increase only those rates established in 2002, which failed to establish rates for the Effected Slips that were not in existence in 2002.

This situation has resulted in difficulty for Four Winds and its patrons and essentially left both parties uncertain as to what rate should be charged for the Effected Slips. Upon becoming aware of the situation, Department staff attempted to work with all parties to reach some resolution with respect to the 2008 season. Furthermore, Four Winds was advised to file a new petition for rate increase to address rates for the Effected Slips.

Jeffrey G. Hammond, acting on behalf of Four Winds, filed a Petition dated April 1, 2008 with the Division of State Parks and Reservoirs of the Department of Natural Resources (*Department*) seeking finalization of rate increases for facilities operated on Monroe Lake. The Petition was forwarded to the Natural Resources Commission (*Commission*) and filed on May 8, 2008 followed by a supplemental filing effectuated by Mr. Hammond through the Department on May 29, 2008. Through its supplemental filing Four Winds specifies that the sole intent of the instant petition is to establish permanent rates for the Effected Slips

Four Winds' original petition filed with the Commission on May 8, 2008 includes a table reflecting current rates and proposed rates associated with each slip size within the marina, including both the slips for which the Commission recommended rate increase approval in 2007 as well as those proposed for permanent rate establishment through this petition.

## **2. SCOPE OF REVIEW**

Four Winds' Petition is governed by a nonrule policy document approved by the Commission as Information Bulletin #20 (First Amendment). The Commission reflected that the purpose of the document was to implement an informal process for the review of ratemaking recommendations for resorts and marinas under lease with the Department.

According to the nonrule policy document, a lessee desiring a rate increase for a guestroom, slip, or houseboat shall submit its request to the Department, in accordance with the existing lease agreement, by April 1 of the year preceding the year in which the lessee expects to implement the increased rate. Upon receiving a request, the Department informs the Division of Hearings of the Commission (*Hearings Division*). The Hearings Division assigns a cause number and, in consultation with the Department, selects the date and time for a rate hearing to be held in Indianapolis. The Department advises the lessee of the date, time, and location in Indianapolis of the rate hearing, at which time the lessee and affected persons may provide comments to a Commission hearing officer.

Petitions, requests, documentation, exhibits, and other pertinent materials concerning the proposed rate increase request are to be available for the public to review at the lessee's business office, during normal business hours. The lessee shall provide notice of the proposed rate increase petition to each slip or buoy renter. A copy is also to be made available for the public to review at the Division of State Parks and Reservoirs, 402 West Washington Street, Room W298, Indianapolis, Indiana, 46204. Affected persons may send written comments concerning the proposed rate increase to the Hearing's Division. In accordance with the existing lease agreements, the Department is to analyze comparable facilities to compare rates with those sought by the lessee. Information used in the analysis is to be available for inspection at the Division of State Parks and Reservoirs office in Indianapolis.

Affected persons may attend the rate hearing and provide oral or written statements. The hearing officer shall conduct the hearing in an orderly and informal manner designed to develop a fair and complete agency record. The Administrative Orders and Procedures Act (IC 4-21.5) does not apply, but the hearing officer is delegated full authority by the Commission to implement IC 14-11-1-3, and to make any orders reasonable in implementing the purpose of the nonrule policy document. The lessee's request and any supporting documentation, written comments provided by affected persons, the analysis by the Department, and oral and written statements received during the rate hearing form the record upon which the hearing officer shall review the request for rate increase.

Following the completion of the review, the hearing officer is to prepare a written report to the Commission. The report is to include written findings with respect to the requested rate increase and a proposal to the Commission with respect to recommendations to the USACE. The hearing officer shall also forward a copy of the report to the lessee, the Department, and any other person who requests a copy.

The hearing officer is to present the findings and recommendations to the Commission during a meeting to be held in August or September. During that meeting, the Commission will either recommend approval of the rate increase, disapproval of the rate increase, or approval of a rate increase in an amount less than requested by the lessee. Recommendation for favorable consideration of a rate increase will not be withheld unless, in the opinion of the Commission, fees submitted exceed fair market rates charged by operators of other similar privately-owned resort developments comparable to the project in the area.

### **3. PUBLIC HEARING AND WRITTEN COMMENTS**

Four Winds provided the requisite notice of its Petition to affected persons. The notice provides details of the proposed rate increases and announces the ability of individuals to provide input regarding the petition. A public hearing was conducted as scheduled on July 9, 2008. Comments were received during the hearing as follows:

#### **A. Petitioner at Public Hearing**

##### Jeffrey Hammond, Traina Enterprises

First and foremost Mr. Hammond explained that there was some confusion about interim rates. Over the course of ten (10) years of owning Four Winds they had no experience with interim rates. "Our slips are all based on six foot increments now because of engineering design." By present engineering designs, poles are spaced at six foot increments, which means that it is not possible to have, for instance a 43 foot slip. The slips would be 42, 48, 54, 60, etc. Therefore, when slips were replaced following a snowstorm that destroyed several of them, the new slips were of sizes different than those that existed prior to the snow storm. "Realizing that we didn't have any other rates in the harbor for slips that size, I made a call to the DNR, I believe it was in January 05, the snowstorm happened in late December 04, and tried to figure out what to do. We

realized we had to do something and we realized that we couldn't just make up a rate so there had to be some approval process." Four Winds and the DNR determined that the interim rate should be to price it on a per foot basis as the newest slips within the harbor. Four Winds did not charge those rates in 2005, but instead charged their slip holders at their old rates. During 2005, slip holders whose slips were destroyed were offered the ability to stay in the new, larger, slip at the new, increased, rate the following year or were advised that at the end of the year arrangements would be made to relocate them into a smaller, more economical, slip. After the 2005 season, some people moved from the new larger slips to smaller, less expensive ones while others moved from smaller slips to the new larger ones. For existing slip holders the interim rate went into effect for the 2006 season. With respect to the confusion, Four Winds believed that Information Bulletin #20 required them to have that interim rate reviewed by the Natural Resources Commission the next time they sought a rate increase. We did that the very next time we came in for a rate increase and the interim rates were vetted against comparables and we thought everything was in good shape at that point. Four Winds did not understand that the intent was for them to bring the interim rates before the NRC for review the very next year. "We would gladly have done it if that's what we thought we should have done."

In the future, Four Winds would like to establish a "per foot" rate instead of rates based upon individual categories of slips. That would solve the new construction problem because "if we build a 140 foot slip we know what to charge." We get phone calls several times a year from people wanting to bring up boats larger than slips currently available and we don't know what the slip fee will be, we can only tell them what we think it might cost. "In Traina Enterprises perfect world we would have an approved maximum per foot rate for new style covered, old style covered, seasonal and annual so there would be four rates there and then four rates, the same thing for uncovered slips. We build new uncovered slips versus the old uncovered slips and yes there's a significant difference in the way they're constructed and laid out and so forth." Hammond believes that this type of rate schedule would make it simpler for everybody involved, including the boaters.

All of the rates on the new slips are at the same per foot rate so it makes it easy on the "go forward" as we are replacing slips but it's addressing the old slips that haven't been replaced that are difficult to address by a per foot rate at the present time.

The hearing officer inquired of Mr. Hammond about some written comments that had been received. One commenter had indicated that a slip on E dock without a patio is being charged at \$133.00 per foot, when slips with a patio on the Superdock are being charged at a per foot rate of only \$124.00. While he could not be certain, Mr. Hammond stated his belief that the writer may be confusing pre-2007 rates with post-2007 rates that are 5% higher. Mr. Hammond explained that the rates before the 2007 increase were \$124.55 and the 5% increase raised the rates to \$130.78. For benefit of the hearing officer in examining this comment further, Mr. Hammond explained that all of the slips on E Dock were 30 foot covered slips while the Superdock is strictly 72 foot covered slips. According to Mr. Hammond both the 30 foot and 72 foot covered slips are involved in the present rate increase petition and the requested rate, if broken down into a

linear foot rate, is intended to be the same. With respect to the patios, Mr. Hammond explained that the Superdock is a breakwater dock and by design for wave attenuation each of the slips has a half of an octagon patio at the end of the walkway. Mr. Hammond acknowledged that the patios are desired and used by the slip holders but to the marina the cost effective nature of the Superdock's wave attenuation feature is most important. This cost effectiveness results from the ability to effect repairs and inspections from above whereas other wave attenuating features, such as what is presently in place on J Dock, requires divers to effect repairs.

The second issue inquired about by the hearing officer pertained to a complaint of lack of amenities that resulted, in part, from Four Winds' closure of the hotel. The hearing officer noted that this was a complaint in 2007 and the comment received reflects that the problems are worse now than the previous year. Mr. Hammond acknowledged that the hotel was closed, as well as the bar and dining room, and explained that the closure resulted from a potential sale of the marina. Mr. Hammond elaborated that the potential buyer planned to renovate the hotel and did not want Traina Enterprises opening the facility and making reservations when, following the purchase, the potential purchaser planned to close the facility for reopening on the 4<sup>th</sup> of July. The sale was originally scheduled to close on March 31<sup>st</sup> but to date the sale has not been finalized.

Mr. Hammond expressed that in hindsight they should have opened because "it is very advantageous for us to be open in the summer. That is the time of year we actually do very well in the restaurant, the lounge, the hotel." Mr. Hammond stated that the potential purchaser was so certain that the sale would be completed that he has undertaken renovation ahead of schedule. The bar area and pool area have already been renovated. It is possible that the sale will proceed but in the meantime, Traina Enterprises has decided to re-open the hotel facility. Mr. Hammond explained that the pool has been open for approximately 1 month and the bar area opened for the 4<sup>th</sup> of July and they are "aggressively getting the rest of the facility open."

Mr. Hammond acknowledged that due to the hotel closure there have been certain amenities missing but indicated that the ship store, fuel dock, service department, marina office have been open throughout and that the marina itself was equipped with bridges and other structures to deal with the floods. Mr. Hammond offered the insight that Four Winds has lost a significant amount of money and continues to lose money every day that the bar, restaurant and hotel are closed. Mr. Hammond closed his presentation with a continuing offer to answer any questions that might arise.

## **B. Affected Persons at Public Hearing**

### Clyde Joyce, Slipholder

Offered the observation that the slipholders were not getting what they had paid for. The bar was opened the previous weekend with a lot of the boating season gone. If you have guests coming, it's nice to have the services of the hotel. Returned to Four Winds for the amenities. We've had no security this year. "I understand the business part of it but from

a consumer point of view we paid for those services we shouldn't really care whether someone was buying the property...we're consumers we paid that set price..." Slipholders are paying for things that are not being provided. Boaters are concerned about what is going to happen with the sale and don't know who is running the marina and resort.

John Marod, Potential Purchaser of Four Winds

Mr. Marond stated that he presently is working on financing for the purchase of Four Winds and continues plans to purchase the property. He agreed generally with Mr. Hammond's summary of events with respect to the sale.

**C. Affected Persons' Written Comments**

Six (6) written comments were received outside of the public hearing.

T.O and S.T. Pouw, email comment June 30, 2008

We understand you are holding a hearing in regards to governing rates for resorts and marinas under lease from the Department of Natural Resources at 10:30 am on July 9, 2008. We have a slip at Four Winds Marina, Bloomington, IN We are presently paying \$2615.60 payments in April and June for a total of \$5,231.20 a year. Our total yearly boat payments are \$14,369.70. We are paying 36.4% a year on boat slips. We believe this is outrageously high. Four Winds marina has one of the highest marina slip rates in the mid west. With US in a recession, high energy cost high and unemployment on the rise, we think it wise to alleviate the burden of boating families monthly costs, with priority given to mortgage, health insurance, utilities, and education first.

It would be nice if these marina cost could be much lower. Thank you for your consideration.

Glenn Duthie and Family, email comment July 6, 2008

We appreciate your ongoing attention to this matter. Slip rates and the upcoming meeting are the hot topic of conversation at the marina. It is my opinion that your recommendation of approving increases from the last approved rate schedule in 2002, is the most appropriate course of action. Approving a rate increase on non approved rates, 2003 - 2007, does not make sense. Although the slips have been improved (due to damage, neglect and age), the overall services provided have steadily decreased over the years.

In fact due to the closing of the hotel, we have not had any amenities available for most of this season. To call this marina a resort is ludicrous - there are no "resort" amenities available. Even basic services are below expectation. There is no security to assure our property is protected against theft and other losses. For the majority of this season the

swimming pool was not available, and once it did open, there were no public restrooms. The shower house, which we pay an additional \$75 fee for access is filthy. It is our understanding the certified diver who is in charge of the dock mooring lines has been cleaning the shower house and he is not pleased with this new responsibility.

Additionally, parking is still a problem and on any given weekend, there are no parking spots available even on the hotel side (the hotel is still closed).

In reference to the 2008, rates we are being charged, we have calculated that our slip on E Dock computes out to be \$133 per foot. Compare this to the 2008 rates for the new "super" dock with private patios, charging \$124 per foot and you can see our concern. Why are we being charged so much more per foot with no patio than the brand new super dock?

Unfortunately, I will be out of town the day of the meeting and will be unable to attend, I wanted to take this opportunity to provide you with my and my family's concerns. We appreciate your time, effort and consideration.

Janet Warren, email comment July 7, 2008

Hearing Officer's Note: Ms. Warren forwarded and requested that Mr. Bortner, Director of the Division of State Parks and Reservoirs forward several email communications between herself and Mr. Bortner. Upon inquiry by the Hearing Officer as to whether it was Ms. Warren's intent that these emails be included as her public comments she replied as follows:

Yes. All of these discussions during the winter after the previous hearing are part of the reasons that Four Winds requested the rate approval for this summer. The 5% increase last year was approved upon rates that had not been approved. That was the issue brought up at last July's meeting. The interim rates had never been approved. We had paid the unapproved rates for the past 3 and 4 years. The DNR approved the increase last fall on rates that had never been officially approved. We will be sending you our current comments before 5 Pm tomorrow.

The forwarded emails are as follows:

**From:** Janet Warren <captainjanw@att.net>  
**To:** Gary Miller <GMiller@dnr.IN.gov>; dbortner <dbortner@dnr.IN.gov>  
**Sent:** Monday, May 12, 2008 9:24:56 PM  
**Subject:** Four Winds

We the boaters at Four Winds are a little concerned about your property at Four Winds. We have heard that the sale should be final on the 30th. In the meantime the hotel remains closed (since mid November), the grass and weeds are growing up, and there is no security. They laid off security a few weeks ago and there are no lights along the sidewalks from the lake to the parking lot by the hotel. They are not spending any more money on the place.



We had a major storm on Sunday morning and there was no one to call if we had a problem. (Last year E dock broke loose during a storm). In case of emergency who are we to call? Are we to call the DNR, the conservation officers, or the police? This is still the DNR's property.

With the hotel locked up, there is no pay phone available. The property looks deserted except for the boats.

Many of the things that Hammond brought up as reasons for the increase are nonexistent at this time.

In case of an emergency who do we call?

Thank you again for all of your time. Jan (and many of the boaters)

**From:** Janet Warren <captainjanw@att.net>

**To:** "Bortner, Dan" <dbortner@dnr.IN.gov>

**Cc:** moorethanenough@yahoo.com; Medic249@aol.com; tracy.shearer <tracy.shearer@insightbb.com>

**Sent:** Wednesday, April 9, 2008 10:11:48 PM

**Subject:** Four Winds rates

Mr. Bortner,

Part of our concern with the rates is that the rates that hadn't been approved were paid over the years to Traina Enterprises. If there is any money to be refunded to the boaters, it seems it would come from Traina instead of the new owner. There needs to be some resolution with Traina enterprises with the rates charged from 2004 forward.

This whole issue of the interim rates not being approved was raised before and during the hearing. We also brought up the issue that Four Winds was allowed to double bill for the same space (pay for the slip and for the same space again with a patio in it). All of these increased rates of course meant more money for the State.

We are concerned that if these issues are not resolved before the sale, our only recourse may be legal action.

Please give us an update on where we stand with all of these issues. Some of the boaters have involved the Governor's office since there about 1800 taxpayers at Four Winds.

Thank you again for your time and effort.

Jan Warren

----- Original Message -----

From: "Bortner, Dan" <dbortner@dnr.IN.gov>

To: captainjanw@att.net

Cc: "Miller, Gary" <GMiller@dnr.IN.gov>

Sent: Wednesday, March 26, 2008 8:56:54 PM

Subject: Re: Four Winds rates

Jan;

I met with the individual yesterday who has made the offer on the Four Winds. I explained to him what we have going on with the current owners. He assures me he is willing to make things acceptable to all involved.

----- Original Message -----

From: Janet Warren <[captainjanw@att.net](mailto:captainjanw@att.net)>

To: Bortner, Dan

Sent: Wed Mar 26 20:09:07 2008

Subject: Four Winds rates

Where are we with all of this? Another week has come and gone. We have heard that Four Winds has been sold. It seems this should be settled before a new owner takes over the control of Four Winds. Jan Warren

----- Original Message -----

From: "Bortner, Dan" <[dbortner@dnr.IN.gov](mailto:dbortner@dnr.IN.gov)>

To: [captainjanw@att.net](mailto:captainjanw@att.net)

Cc: "Miller, Gary" <[GMiller@dnr.IN.gov](mailto:GMiller@dnr.IN.gov)>

Sent: Friday, March 14, 2008 7:27:47 AM

Subject: Re:

Dear Jan:

I am planning to meet with the folks from the hearings division next week on this to see what we can do to help out the slip holders. Give me until about midweek to see what options we have.

I am sure we can fix this.

Dan Bortner

----- Original Message -----

From: Janet Warren <[captainjanw@att.net](mailto:captainjanw@att.net)>

To: Bortner, Dan

Cc: Jensen, Sandra; cherylmoore <[cherylmoore@comcast.net](mailto:cherylmoore@comcast.net)>; [Medic249@aol.com](mailto:Medic249@aol.com)  
<[Medic249@aol.com](mailto:Medic249@aol.com)>; tracy.shearer <[tracy.shearer@insightbb.com](mailto:tracy.shearer@insightbb.com)>

Sent: Thu Mar 13 20:53:40 2008

Mr. Bortner,

The boaters at Four Winds are asking when we might see a resolution to the Four Winds rate issue. In the letter from Christopher Smith (Governor's Liaison) he said that we should see a resolution soon.

With respect to the fact that Four Winds was misled by the DNR as to the process, the process is pretty clearly spelled out in the nonrule policy. We were able to access that policy pretty easily on the internet. In most cases in life we are expected to follow the laws or rules whether we are aware of them or not. Twice in the past Four Winds has asked for a special hearing for rate increases. After 9 years on the job, one would expect the Four Winds manager to know the rules. The process for rate increases and the interim rates is clearly spelled out. As a manager or director in my profession it was part of my job to know the laws and abide by them.

I am on E dock which at the 2002 approval was a 26 foot slip. When the new slips were put into place, my slip became a 30 foot slip. At that time the price per foot for my slip went up 11.8%. Now Four Winds has been granted another 5% increase. So my rate per foot has gone up 16.8% since 2003. When I emailed you in November, you replied that everything seemed to have been done correctly. The boaters disagree and now have involved Gov. Daniels and Evan Bayh.

What is the current standing on the rate issue? When might we expect a resolution to this major issue?

Thank you again for all of your time.

Jan Warren, Four Winds boater and a concerned taxpayer

From: Janet Warren <captainjanw@att.net>

To: dbortner <dbortner@dnr.IN.gov>

Cc: SJensen <SJensen@nrc.in.gov>; cherylmoore <cherylmoore@comcast.net>;

Medic249@aol.com; tracy.shearer <tracy.shearer@insightbb.com>

Sent: Thursday, March 13, 2008 8:53:40 PM

Subject:

Mr. Bortner,

The boaters at Four Winds are asking when we might see a resolution to the Four Winds rate issue. In the letter from Christopher Smith (Governor's Liaison) he said that we should see a resolution soon.

With respect to the fact that Four Winds was misled by the DNR as to the process, the process is pretty clearly spelled out in the nonrule policy. We were able to access that policy pretty easily on the internet. In most cases in life we are expected to follow the laws or rules whether we are aware of them or not. Twice in the past Four Winds has asked for a special hearing for rate increases. After 9 years on the job, one would expect the Four Winds manager to know the rules. The process for rate increases and the interim rates is clearly spelled out. As a manager or director in my profession it was part of my job to know the laws and abide by them.

I am on E dock which at the 2002 approval was a 26 foot slip. When the new slips were put into place, my slip became a 30 foot slip. At that time the price per foot for my slip went up 11.8%. Now Four Winds has been granted another 5% increase. So my rate per foot has gone up 16.8% since 2003. When I emailed you in November, you replied that everything seemed to have been done correctly. The boaters disagree and now have involved Gov. Daniels and Evan Bayh.

What is the current standing on the rate issue? When might we expect a resolution to this major issue?

Thank you again for all of your time.

Jan Warren, Four Winds boater and a concerned taxpayer

**From:** Captainjanw@aol.com [mailto:Captainjanw@aol.com]  
**Sent:** Wednesday, October 03, 2007 12:44 PM  
**To:** Bortner, Dan  
**Cc:** cherylmoore@comcast.net; tracy.shearer@insightbb.com  
**Subject:** Rate hearing for Four Winds

Mr. Bortner,

Many of the boaters at Four Winds want to know how Four Winds has been allowed to charge the increased rates that did not go through the process. The first docks increased were H and A dock covered. Then G dock covered, E dock, F dock covered and I dock were increased. We were told by Gary Miller that he had approved the rates. According to item #6 of chapter 20, the interim rates should have been taken to the next rate hearing. This was never done. Who allowed this to continue?

We would like to know who is held accountable for this failure, and what is going to be done.

Sandra Jensen suggested we start with you before we take it to Carter.

Thank you for your attention to this matter.

Jan Warren  
E-dock boater

**From:** Captainjanw@aol.com [mailto:Captainjanw@aol.com]  
**Sent:** Friday, October 12, 2007 11:15 AM  
**To:** Bortner, Dan  
**Subject:** Re: Rate hearing for Four Winds

Mr. Bortner

Have you found out anything yet on the Four Winds rate increase violation? Thank you.

Jan Warren

**From:** Captainjanw@aol.com [mailto:Captainjanw@aol.com]  
**Sent:** Wednesday, October 24, 2007 10:17 PM  
**To:** Bortner, Dan  
**Subject:** Re: Rate hearing for Four Winds

Have you heard anything on the interim rates that weren't officially approved at Four Winds? It has been 2 weeks and we haven't heard anything. Do we need to email Mr. Carter before the November DNR meeting? Thank you for your time and attention. Jan Warren

**From:** Captainjanw@aol.com [mailto:Captainjanw@aol.com]  
**Sent:** Thursday, November 01, 2007 12:11 PM  
**To:** Bortner, Dan  
**Subject:** Re: Rate hearing for Four Winds

Thank you for your reply. Part of the question is that the new rate per foot is higher than the last approved rate. The previous rate hearing approved an amount per foot. The new rate is higher than the last approved rate. Where did the new rate per foot come from?

Thank you again for your time. Jan Warren

**From:** Miller, Gary  
**Sent:** Tuesday, April 15, 2008 8:44 PM  
**To:** medic249@aol.com  
**Cc:** Bortner, Dan; Jensen, Sandra; England, Marian  
**Subject:** Four Winds

Glenn,

We have instructed the Four Winds to contact you directly to resolve the rate for your slip. They will be contacting you yet this week to resolve this before the sale of the facility.

Hopefully you can reach an agreeable arrangement, but if not, the DNR is willing to bring in a mediator to assist.

Thank you, Gary Miller

**From:** Miller, Gary  
**Sent:** Tuesday, April 15, 2008 8:42 PM  
**To:** cherylmoore@comcast.net  
**Cc:** Bortner, Dan; Jensen, Sandra; England, Marian  
**Subject:** Four Winds

Cheryl,

We have instructed the Four Winds to contact you directly to resolve the rate for your slip. They will be contacting you yet this week to resolve this before the sale of the facility.

I do understand that you have discussed this with them and that you are moving to another slip location.

Thank you, Gary Miller

**From:** Miller, Gary  
**Sent:** Tuesday, April 15, 2008 8:38 PM  
**To:** captainjanw@att.net  
**Cc:** Bortner, Dan; Jensen, Sandra; England, Marian  
**Subject:** Four Winds

Jan,

We have instructed the Four Winds to contact you directly to resolve the rate for your slip. They will be contacting you yet this week, so that this can be resolved before the sale of the facility.

Hopefully you can reach an agreeable arrangement, but if not, the DNR is willing to bring in a mediator to assist.

Thank you,

Gary Miller

**From:** Miller, Gary

**Sent:** Friday, October 05, 2007 3:39 PM

**To:** Bortner, Dan

**Subject:** Four Winds draft response

Bulletin 20 was first developed in 1998 by Indiana State Parks and Reservoirs in conjunction with the Natural Resources Commission as a way of getting public input and developing a consistent process for all of the leased marinas when requesting rate increases. It was later revised to add a couple of items in 2003. One of these was to address the situation to handle prices for new slips added that the marina did not have represented before. i.e., if they added 80' slips, but did not have them before, this was a way to set a temporary price until they would come up for the regular rate process.

When Four Winds replaced a number of docks, in many cases they did not put back the same size slips. They may have removed a 24' foot slip and then replaced it with a 40 foot slip, etc. When we gave them the approval for the rates of the new slips, we set them at the same rate per foot as other new slips in the marina. Since, this was a per foot already established, we did not have them come back to get permanent approval the next year.

We feel that this is in the spirit of the bulletin. There was no intention of misleading anyone, nor any effort to get around any rules and procedures. Steve Lucas and Gary Miller worked hard to get the process in place, and even tried to make amendments to make it better. Maybe we need to reword it again to be clearer.

Ms. Warren's current comment follows:

To the Hearing Officer of the DNR Four Winds Rate Hearing,

Most of the issues are the same issues that were raised at the July hearing in 2007. The biggest issue remains that the interim rates were never taken through the official process. These rates were charged for 3 and 4 years without a hearing. Mr. Bortner explained that they tried to use the highest rate that had been previously approved. The H-dock 54foot slip is less per foot than the other covered slips. These were among the first docks added. They are all the "new style" docks. I called Gary Miller when the rates were increased on E dock, and he said that he approved the rates. Rule 6 is very clear as to the process for interim rates. No one seems to be accountable for the rule not being followed. In one of the letters it was stated that DNR mislead Four Winds. Four Winds

got a large increase in revenue (and rates) when E dock went from 24 and 26 foot slips to 30 foot (and a substantial increase per foot charge).

Four Winds claimed all of the amenities and services we had available. The hotel has been closed since mid-November. The bar reopened July 4 weekend. The restaurant is to open soon. The proposed (now failed) new owners did major remodeling to the bar and pool. Traina Enterprises had let the property get run down. They mowed the grass after the boaters complained to the State. They moved the manager to Georgia and after complaints to the State the manager was returned to Bloomington.

Four Winds is running on a bare minimum staff. The current staff is working very hard to try to keep the place running. The dock crew is trying to clean the restrooms to the best of their ability. They are overworked and sometimes the restrooms aren't cleaned for days. Four Winds still tells us they are cleaned 2 times daily. I thought about taking a picture of the restroom on a Tuesday when it hadn't been cleaned since the Friday before. The season is half over and things have only improved slightly.

Four Winds still advertises the spa and sauna. These have both been removed. All that is left is the pool.

We paid full price for our slips this spring and have not gotten the services they said we would have.

Four Winds got rid of the security guards in March. The only security we have is the 2 dock crew guys during the day. Four Winds did have one of them work night shift over the holiday weekend. Break-ins and vandalism have greatly increased. Many years ago we had 2 security guards full time and they monitored channel 9 in case of emergency. I emailed Bortner to ask what we were to do in case of emergency and he said to call 911. There was an incident with fighting on F dock last weekend and the Sheriff refused to come. The Sheriff said to call DNR. We continue to have docks break loose and move in storms, and there is no one to call. We have even less services than we did last summer when Four Winds was granted a 5% increase. The boaters opposed an increase last year and continue to oppose the rates this year.

The emails to Bortner and the letters to the Governor are part of our continued effort to fight the rates at Four Winds. There are about 1700 tax payers at Four Winds and most of them are not happy. I am again representing many boaters. We tried to only have a few people emailing the DNR instead of many sending emails. We forward most of the emails to a large list of boaters.

We again oppose the rates being proposed by Four Winds.

Jan Warren, E dock boater

Boater at Four Winds for many years

Cheryl Moore, email comment July 7, 2008

Unfortunately, I will be unable to attend the hearing this week.

My understanding is that this meeting is to formalize rates for the slips that were not listed on last years rate increase correctly.

I would like to point out that the Four Winds sent out a detailed letter of all the amenities the Resort/Marina provides the boaters as support for the proposed rate increase, which they got on the listed slips. Then the Four Winds promptly closed or shut down after the rate increase was obtained.

Since, over the years, the Hotel and its services have been part of the package presented to the DNR for rate approvals, shouldn't it warrant a prorated reduction when those services are not provided? Specifically, Security and Marina Access.

I would also like to request that the ownership of the Four Winds provide some type regular communication to it's Lesse's as to the state of affairs at the Marina. We have had no written communication clarifying the ownership issues. It is very uncomfortable paying our already exorbitant slip fees when there is uncertainty of ownership and uncertainty that the bills are being paid.! If our water and electricity get shut off, if the pump out isn't working, Dock lines break loose we are out of the boating business. We have no recourse if Four Winds fails to operate the property.

I appreciate your consideration in requesting clarification from Four Winds on the current situation.

Ycart & Ed Shearer, email comment July 9, 2008

Thank you for the opportunity to present comments for the rate increase hearing. As provided in the prior hearing for increase, the boaters of Four Winds have concern with the following issues;

Bulletin 20 has clearly outlined the procedures for a rate increase for marinas as stated below.

#### **6. Interim Rate Adjustments or Clarifications**

The commission delegates authority to the director of the division of state parks and reservoirs to approve interim rate adjustments for projects or slips not addressed in this process due to new construction or modification of existing facilities. The rates apply only until the next rate request cycle, however, when a lessee must present a petition for rate approval as provided in this information bulletin.

The question remains that the increase was not based on the approved 2002 rates nor have we been able to obtain public record of the approval of the interim rate nor the filing of the increase for the following cycle that put the final approval in place. The extreme increase in rates, that the majority of the boaters feel are not approved is the root of the problem. The rate per foot from 2004 to current is a 30% increase. (2004 rate for 28ft @ \$2800.00 is \$100.00 per foot, 2008 rate for 30 foot @ 3923.33 is \$130.78 per foot). Adding to that is a charge for restroom facilities that are inadequate for the number of users, specific dock boxes and patios that are rented per year for \$350.00 on the slip area that is already being paid for. There is (1) pump out that is to service all boats in the marina and I will submit photos later in the day of the problems this is incurring. If you



are familiar with the layout of the marina, A,B,C,D,E,F, J, Superdock and half of G must use the exit by the super dock which is dangerous, add to that idle boaters waiting to access the pump out and you have an extremely volatile situation. This is a legitimate concern that the basis of the ownership is not maintaining the property for the safety and benefit of the boating community. Another area that we feel has been neglected is the security of the boaters that pay to have their property protected. During the transition of the sale of the marina/hotel, there has been no one available for emergency services, security, unauthorized entry etc. There have been numerous break ins and loss of property. (Example; As we were on the dock on Monday 7-7 there was a boat coming in, going between docks on the water eventually docking on an empty dock slip. When confronted by a registered boater, the (6) people stated they were looking for boats for sale and proceeded to quickly leave the area. , Both E & H dock has had thefts).

Partial basis of the increase was presented to be justified by the “amenities” the resort has to offer. Since November of last year, you are aware of the hotel closing, no services/access to amenities, no pool, lounge, restaurant, grounds maintenance etc. The boaters replied that the hotel was not a selling point for us, as we are on the docks but yet rates are based on the above as well for comparisons. We ask this be taken in consideration.

Every boater on the docks is aware that Four Winds is a business and many of the boaters are business owners. There has never been a question on the right to maintain a profit on business ventures. The quality of customer service and investment-mooring information has created an atmosphere that is strained. We ask that consideration be given to the clarification of the procedures for increase and the overall communications provided to the many people who wish to enjoy their investment and atmosphere.

Link for comparable; [www.patokalakemarina.com/docks.htm](http://www.patokalakemarina.com/docks.htm)

Robert Kazmierzak, email comment July 31, 2008

Sandra, I unfortunately missed the hearing earlier this month due to being out of town. I lease a slip from the marina and am another one of those boaters that has issues with the way things are and have been. I have attached an e-mail I just sent to Jeff Hammond. I also have some pictures I took of the area on July 4th, 2008 at the lake. If you haven't made a ruling on the slip fee increases yet, I hope you will take a look at these pictures and my letter I sent to Jeff. Please feel free to contact me if any of my concerns are unclear.

Copy of Letter to Jeff Hammond:

Mr. Hammond,  
Samantha Goodpastor

I am paying this slip fee with a little hesitation. I do not agree with the way the past year has gone. We slip owners have I feel have not had the full benefit of the offerings that you say are provided us and these also listed in your request for rate increase.

- Pump out system. We went from 2 pumps to one

## AGENDA ITEM #19

- Floating ship store, the hours of service are not acceptable, I wanted to get gas one Friday night and it was closed already. Hours of operation need extended.
- Access paths and bridges, the bridges that were installed were not installed at a high enough level to access them in the spring rains. Are you doing anything to correct this for future?
- Access paths unsanitary, there are several geese that seem to have made the grassy area a home. There is goose feces everywhere and also all over the paved path. We walk in this and then it does make it to our boats, no matter how careful we are.
- Electronic card access, this past winter I went to the lake a couple times and my card did not work the gate. Nobody was around to let me in and the office was closed. I had to scale around the gate.
- Bath house, this was also closed as it was winterized. No water was on. I pay extra every year for bath house convenience and this was unavailable all winter. It was not locked up and it was very unsanitary as some people used the facilities knowing that it was unhealthy.
- The showers are filthy, haven't been cleaned in some time, the water barely comes out of the shower heads. With as much water pressure that we have on the docks, I would think that this could be remedied at the bath house.
- The hotel was also listed for our use and with it closed all winter, no bath house, and no toilet facilities at the hotel. We had to leave the park to find a restroom somewhere outside of the Four Winds.
- Trash removal, on busy weekends the dumpster overflows, again very unsanitary and this brings 4 legged creatures that want to get a free meal.
- There was no evidence of security this winter. I was thinking that also is part of our slip fees.
- Lastly I also still do not agree with the way our slips were increases in size. They increased in length but shrunk in width. We basically had the same square footage of water area but at a very much higher slip fee. I had a patio on the previous slip before the Marina Roof collapsed. It did not cost me anything each year. It also had flotation that helped hold the old slips up. With the new slips, I had to pay for the patio and now we rent them every year. This is not acceptable as it is part of the docks now, a permanent installation. With that said, I am paying for a full slip that is now 8 feet shorter. And then paying the patio fee. We should either pay the slip fee or if you insist on yearly rent for the patio we should only have to pay for the length of the slip (Water Only) so if my slip is 48 foot long and I have an 8 foot patio, I should only have to pay for a 40 foot slip + the patio. Or just charge me for the 48 foot slip and NO patio fee. The current situation I feel is double dipping.
- I never raised a big deal about it but when the old slips collapsed, I had my own personal ice eater that I never got back from you all.

So in closing I would like very much for you to take my concerns and think about the fairness of what we have all put up with this past year. I am not the only one with these feelings. I also am not including any late fee with this payment. I would hope that you would waive this. Please let me know when we can talk about these issues.

Thanks You very much.

**4. RECOMMENDATION BY THE DNR DIVISION OF PARKS AND RESERVOIRS**

As anticipated in the nonrule policy document, the Division of State Parks and Reservoirs has completed a comparative review of slip rates for Four Winds. Gary Miller, Assistant Director of Inns and Concessions, prepared a summary of the review found below:

Four Winds Resort and Marina has submitted a rate increase clarification request for the 2009 season. This request is limited to certain slips that had been using interim rates for a few years. In the rate increase request last year, it was not made clear that some of the slips increases requested were for slips that had interim rates. As the approval was for an increase of a certain percentage over the 2002 approved slip rates, these slips did not show on the 2002 rates and therefore were not officially approved.

In an effort to work through this situation, the Division of State Parks and Reservoirs had an understanding with the manager of the Four Winds Resort and Marina that the rates for these slips in question would remain at the same interim rate as before for the 2008 season and that the rate increase would be addressed again in the request for the 2009 season. It became apparent during the rate hearing that the concessionaire did not follow this agreement and went ahead and charged the requested increased rate for the 2008 season.

When the comparisons were made last year, and the approval was granted, it was granted for 3% and 5% as apposed to the request for 10%. The intent of the approval was to grant the approval for all slips, but since it was not noted that certain slips had interim rates, the approval did not cover all slips.

It is the recommendation of the Department that these slips be granted the 5% increase as was the intent last year, however, it is recommended either a refund for the 2008 season be given or that the charge for the 2009 season be at the 2007 rate to compensate for the unapproved rate for 2008 being charged after the agreement was made with DNR.

It is the opinion of the Division that the proposed rates for the existing slips and the rates for lodging be approved as submitted.

The referenced spreadsheet is attached as Exhibit B

**5. FINDINGS AND PROPOSAL BY THE COMMISSION'S DIVISION OF HEARINGS**

**A. Findings**

The scope of the review accorded by the Commission in Information Bulletin #20 (First Amendment) is addressed to petitions for rate increase at marinas and related facilities on properties owned or leased by the Department. Although the Department may appropriately exercise whatever rights are provided in a ground lease with respect to marina facilities, as well as any other rights provided by law or equity, the scope of review for the purpose of setting rates at marinas and related facilities is determined by Information Bulletin #20 (First Amendment), which specifies that the lessee “shall include justification for the increase request along with comparable rates from other marinas.” Information Bulletin #20 (First Amendment) proceeds to specify that “the department will analyze comparable facilities to compare rates with those sought by the lessee.”

The Commission’s role in the setting of rates at marina facilities on Department leased or owned properties is to offer a recommendation regarding the appropriateness of the rates to the USACE, which will ultimately determine to accept or reject the recommendation. In exercising its responsibility to offer a recommendation to the USACE, the Commission has charged the appointed hearing officer with the responsibility to review the record, which includes the “lessee’s request and any supporting documentation, written comments provided by affected persons, the analysis by the department, and oral and written statements received during the rate hearing” in preparing a report and proposed recommendation for Commission consideration.

The Commission, through its adoption of Information Bulletin #20 (First Amendment) established as fundamental to a determination of the appropriateness of a proposed rate increase the consideration of rates charged by comparable marinas. The comparison therefore requires identification of marinas comparable to Four Winds. In addition to the marina facility, Four Winds includes a resort hotel that provides a dining room and lounge as well as a swimming pool and tennis courts among other amenities. Similarly, Kent’s Harbor operates a marina that also provides an on site resort, café, harbor bar and access to a golf club, while the Hammond Marina (*Hammond*) offers banquet facilities, a lighted promenade as well as casino access including restaurants overlooking Lake Michigan. As compared to Kent’s Harbor and Hammond, Four Winds’ rates are consistently, although in some cases not significantly higher. Four Winds’ proposed rate for a 30’ covered slip is \$3,923.33, while Kent’s Harbor, following the 2008, effective 2009, rate increase that the hearing officer has recommended for approval, charges as much as \$3,085.00 for an open 30’ slip. Given that one rate is for a covered slip while the other is for an open slip, the difference in rates is not deemed substantial. However, Four Winds seeks the establishment of a rate for a 54’ covered slip at \$6,747.30 whereas Kent’s Harbor, again under increased 2009 rates recommended for approval by the hearing officer, would be charging only \$3,917.00 for the same length open slip. A variant of \$2,830.30 is significant when the only difference in the slips is that Four Winds’ slip is covered while Kent’s Harbor’s is open. However, Hammond, which does not have 54’ slip, charges up to \$4,610.00 for a 50’ slip. This rate, when compared to Four Winds’ proposed rate for a 54’ covered slip is somewhat less disparate.

Without doubt Four Winds' proposed rates are higher than the increased rates recommended for approval by the hearing officer for Hoosier Hills Marina (*Hoosier Hills*) and Patoka Lake Marina (*Patoka*). However, neither Patoka nor Hoosier Hills offer on-site lodging or other amenities similar to Four Winds, Kent's Harbor or Hammond. In that light, these marinas do not offer good comparisons.

The individuals who offered comments raised issues consistent with the concerns discussed during the processing of Four Winds' 2007 rate petition. Certain of the comments reflected that amenities available to the marina patrons have been reduced as a result of the closure of the hotel. Particularly, some of the comments observe that the lounge, dining room and accommodations as well as the swimming pool and beach have been unavailable for themselves and their guests because of the closure of these facilities pending sale of Four Winds. The hearing officer reflects that Four Winds cited improvements to these facilities during the processing of its 2007 rate petition and in response the marina patrons claimed that these improvements did not justify increased rates at the marina as they were predominantly for the benefit of hotel guests. For instance; "the new beach...is nice but not a part of the boating experience. It is great for the hotel guests," *Comment of Jan Warren, Report Of Hearing Officer, Including Findings And Proposal To The Natural Resources Commission As To Its Recommendations To The U.S. Army Corps Engineers*, and "the restaurant is mainly for Hotel Guests." *Comment of Cheryl Moore, Id.*

A second continuing concern relates to the reconstruction of docks to include slips of greater lengths than what marina patrons were accustomed to leasing. This occurrence required Four Winds to obtain authorization to charge interim rates with respect to new and reconstructed docks of lengths that were different than slip sizes that existed in 2002 when Four Winds' rates were last established by the Commission. Certain individuals infer that Four Winds' act of increasing the length of the slips was designed to create the ability to increase the rates charged to existing slip holders. During the reconstruction of the docks it stands to reason that Four Winds would exercise good management practices in determining the sizes of slips appropriate for the facility. In addition, Mr. Hammond explained that engineering design standards dictated that the slip lengths be determined on six (6) foot increments, which of necessity forced, for example, a 26' slip to become a 30' slip. Despite Four Winds' authorization by the Department to charge an interim rate for the Effected Slips, Four Winds deferred implementation of that increased rate for one season in order to allow its patrons the opportunity to stay in the larger slips at the rate for the smaller slip to assess their ability and desire to stay in the larger slip at the higher rate. Those patrons who wished to move to smaller, less expensive slips were accommodated.

There is no question that the intent of Information Bulletin #20 (First Amendment) was that a marina authorized to charge an interim rate would commence the process for receiving Commission establishment of a permanent rate by April 1 following approval of the interim rate. Based upon this understanding of Section 6 of Information Bulletin #20 (First Amendment), certain Four Winds' patrons believe that the interim rates that were implemented in 2006 were wrongly charged by Four Winds in 2007. There is also concern expressed that in 2008 Four Winds billed patrons located on the Effected Slips at

the interim rate plus the 5% increase that was authorized in 2007 for other slips at Four Winds without regard for the fact that the Commission did not officially approve the interim rates or any increase to the interim rates for the Effected Slips through the 2007 petition.

Mr. Traina explained that in 2007 Four Winds acted under the belief that the interim rate was effective until the next time Four Winds sought a rate increase and was unaware that as written the Commission's recommendation to the USACE resulted in a failure to establish rates for the Effected Slips. During the 2008 rate increase cycle, three (3) marinas, in addition to Four Winds, filed petitions for rate increase. During the review of those petitions, the hearing officer as well as Department representative Gary Miller discussed the interpretation of Section 6 of Information Bulletin #20 (First Amendment) with the other marina operators. Each of the operators indicated that they would have had the same understanding as did Mr. Traina. While the hearing officer believes Section 6 of Information Bulletin #20 (First Amendment) is clear in its intent, based upon the representations of these marina operators and owners, plans are being made to review and possibly amend Information Bulletin #20 to address this matter.

In any event Four Winds is entitled to charge patrons for the use of the Effected Slips. While the patrons do not believe they should be charged the interim rate for 2007 or 2008 due to the fact that the interim rate should have been reviewed by the Commission before implementation beyond 2006 they offer no means of determining what the appropriate rate would be. It is assumed by the hearing officer that the patrons presently located in one of the Effected Slips desires to be charged at their previous rate, which was for a smaller slip, and this result is simply unfair under the circumstances.

The hearing officer would like to reiterate concerns expressed in her 2007 Report regarding the need of Four Winds to address security and parking as well as provide proper janitorial and maintenance services. The hearing officer understands Mr. Hammond's explanation regarding the closure of the hotel during renovations and preparations for sale of the marina and resort. While it stands to reason that amenities and services might be diminished during this time, Four Winds must remain cognizant that its marina patrons properly expect that routine grounds maintenance, security, trash removal, etc. will continue despite the impending sale and closure of the hotel.

Similar to the determination reached in 2007, the hearing officer is of the opinion that the interim rates approved by the Department should be confirmed and increased by 5% simply to address increased costs of doing business. However, the 5% increase should not take effect until 2009. Four Winds marina patrons leasing one of the Effected Slips should be charged the Department authorized interim rate for the 2008 season. Any marina patron who has already paid the increased rate for 2008 should be awarded a refund or credit.

## **B. Proposal**

## AGENDA ITEM #19

Consideration of all available information indicates that the rate increase sought by Four Winds above the Department authorized interim rates for the Effected Slips should be recommended to the U. S Army Corps of Engineers for approval for the 2009 season. Four Winds should be granted authority to charge the Department's established interim rates for the 2008 season. Any marina patron who has already paid the increased rate for 2008 should be awarded a refund or credit.

A listing of the rates for the Effected Slips recommended for approval through the instant proceeding to be implemented in 2009, are identified along with the rates established for implementation in 2008 pursuant to Findings and Recommendations by the Natural Resources Commission to the U.S. Army Corps of Engineers, September 28, 2007, as "2008 Fourwinds Slip Rate" on Exhibit B.

Dated: August 29, 2008

---

Sandra L. Jensen  
Hearing Officer

### **Service List:**

cc: Gary Miller, DNR, Division of State Parks and Reservoirs  
Jeffrey Hammond, Four Winds Resort and Marina

## Exhibit A

Slip Length	Hoosier Hills	Fourwinds Lake Monroe IN	Patoka Lake Marina Patoka Lake IN	Kent's Harbor	Hammond Marina Hammond IN	Lee's Ford Nancy KY	Venetian Marina Sandusky OH	Two Rivers Marina Louisiana, Mo.
18'								
20'			600 s	1545 s				
24'	900		800/891 s/se	1595 s/1896 s				
24'	2000 c		1600 sc1850 ae	1795 s/2125 a				
25'							1350 s	
25'								
26'				2085 a				
26'								
26'								
26'								
28'			1035s/1300a/1750sc	2212 es/2445 a				
30'	2500 c	3736.5 c	28' 2000 ac	2405 a	\$2,225.00		1850 s	
30'	1100-1700			2745/2935 a				
32'						3170 c		
34'								
35'					\$2,570.00		2375 s	
36'		4483.8 c		2725 a				\$2,700.00
36'				3085 a				
36'				3295 a				
36'								
38'								
40'			2185 a	2995 a	\$3,035.00	4395 c		\$3,000.00
40'			3700 a c			3345 o		
40'								
42'		4180.25 o						
45'	2000				\$3,615.00			
46'				4075 a				
46'								
46'								
46'								
48'		5978.8 c						\$3,595.00
50'	2310			3430 a	4250/4610	5405 c	3475 s	
52'								
54'		6426. c						
55'					\$4,800.00			
60'	3080/2530		2750 a/4250 ac	4142.5 a	\$5,350.00	7535 c		\$4,495.00
61'-Up				71.25/ft a	86.00/ft			
64'								
70'	3300/2750			6450 a				
72'		8968 c						
75'	3750		80' 3795 a/5300 ac					
76'		6967 o						
80'	4000					6330 o		
90'+								



**AGENDA ITEM #19**

Slip Length	Hidden Cove Marina Senica, IL.	Bald Knob Marina Pistakee Lake IL.	Starved Rock Marina Starved Rock State Park IL	Twin Cove Marina Norris Lake KY	Eddy Creek Marina Kentucky Lake	The Moors Kentucky Lake	Lake Murray Ballantine, SC	Lynn Creek Grand Prairie, TX
18'	\$1,030.00							
20'	\$1,080.00		\$1,165.00		\$960.00		\$2,100.00	\$2,222.00
24'				\$1,560.00		\$1,050.00		2043 o
24'								2736 c
25'	\$1,255.00		\$1,550.00					
25'								
26'	\$1,295.00						\$2,300.00	
26'							\$2,599.00	
26'							\$2,880.00	
26'								
28'	\$1,375.00							
30'	\$1,455.00	\$2,595.00	\$1,900.00	\$2,400.00	\$1,710.00	\$1,650.00	\$3,132.00	2853 o
30'								3386 c
32'								
34'				\$3,000.00				
35'	\$1,655.00	\$3,260.00						
36'							\$3,772.00	\$4,081.00
36'								
36'								
36'								
38'								
40'	\$1,855.00		\$2,185.00			\$2,150.00		
40'								
40'								
42'								
45'								
46'	\$2,095.00							
46'								
46'								
46'								
48'								
50'	\$2,255.00		\$2,535.00		\$2,850.00	\$2,550.00	\$5,106.00	\$5,201.00
52'								
54'								
55'	\$2,455.00							
60'	\$2,605.00						\$6,452.00	
61'-Up					69.00/ft			
64'								
70'							\$8,100.00	
72'								
75'								
76'								
80'								
90'+								

**AGENDA ITEM #19**

Slip Length	Son Rise Marina Sandusky, OH 6 month Summer only - Winter not included	Sandusky Harbor Sandusky, OH Summer and Winter Storage Combined Included	North Shore Spring Lake, MI Summer Only	Holiday Marina Lake Lanier, GA Annual	Four Winds Bloomington, IN	Bay Harbor Bay Harbor MI	Lake Front Lake Erie, OH Annual Dockage and Winter Storage
18'							
20'				\$1,792.00			
24'				\$2,184.00	\$2,020.00		\$2,352.00
24'							
25'		\$2,908.75	\$3,195.00				
25'							
26'			\$3,195.00	\$2,276.00			
26'					\$2,189.00		
26'							
26'							
28'					\$2,440.00		
30'		\$3,347.50		\$2,712.00		\$4,950.00	\$3,468.00
30'			\$3,195.00				
32'					\$2,762.00		
34'							\$4,065.00
35'			\$3,795.00				
36'				\$2,972.00	\$3,150.00		
36'					\$3,357.00		
36'					\$3,565.00		
36'					\$3,778.00		
38'							
40'	\$2,950.00			\$3,036.00	\$3,418.00	\$7,800.00	\$4,938.00
40'			\$3,995.00				
40'							
42'							
45'							
46'				\$3,496.00	\$3,794.00		\$5,681.00
46'					\$4,078.00		
46'							
46'							
48'							
50'	\$3,800.00		\$4,795.00	\$3,824.00	\$4,275.00	\$9,250.00	
52'							
54'							
55'							
60'				\$4,564.00	\$5,700.00		
61'-Up			\$5,395.00				
64'							
70'				\$5,576.00			
72'							
75'							
76'							
80'							
90'+							

**AGENDA ITEM #19**

Slip Length	Lazy Days Lake Lanier Buford, GA	Light House Marina Aurora, IN	Four Season Cincinnati, OH Seasonal	Jamestown Lake Cumberland, KY Annual	Charleston Harbor Marina Charleston SC Annual	Conley Bottom Lake Cumberland, KY	Manitowoc Marina Manitowoc, WI Summer Dockage and Winter Storage Annual
18'							
20'	\$2,220.00		1540 s				
24'	\$2,736.00		\$1,848.00	\$2,695.00			
24'							
25'			\$77.00 Summer				
25'							
26'	\$2,968.00		\$27.00 Winter				
26'			\$104.00/ft. Annual				
26'							
26'			\$2,704.00				
28'			\$2,912.00			\$2,450.00	
30'	\$3,512.00		\$3,120.00	\$3,995.00			\$2,220.00
30'							
32'			\$3,328.00 Annual		\$4,940.00		
34'						\$3,200.00	
35'							
36'	\$4,212.00						\$3,040.00
36'			\$3,774.00				
36'							
36'							
38'						\$4,100.00	
40'		\$3,735.00		\$3,850.00	\$5,985.00	\$4,275.00	\$3,295.00
40'			\$4,160.00	\$4,795.00			
40'				\$5,495.00			
42'						\$4,700.00	
45'			\$4,680.00 Annual				
46'		\$4,085.00					
46'							
46'							
46'							
48'							
50'		\$4,385.00	\$5,200.00	\$4,895.00	\$7,790.00		
52'				6195 50' c			
54'							
55'							
60'		\$4,985.00	\$6,240.00				
61'-Up					\$10,260.00		
64'							
70'				\$9,395.00			
72'							
75'							
76'							
80'				6995 o			
90'+							

AGENDA ITEM #19

Slip Length	Bayport Marina Bayport, MN St. Croix River \$180/ft. summer & winter storage	Broken Arrow Marina Sunrise Beach, MO	Trade winds Marina Appling, GA Annual	Aqua Yacht Harbor Luka, MS	Michigan City Port Authority Michigan City, IN Summer Only	Swan Creek Roch Hall MD	Harrington Harbor Friendship MD
18'							
20'			\$1,767.00	\$1,450.00			
24'			\$2,565.00	\$1,700.00		\$2,900.00	
24'							
25'	\$4,540.00				\$1,650.00		
25'							
26'							\$2,900.00
26'							
26'							
26'							
28'			\$3,211.00				
30'	\$5,440.00			\$3,000.00	\$2,100.00		
30'							
32'							
34'							
35'					\$2,530.00		
36'			\$3,610.00				
36'							
36'							
36'							
38'							
40'		\$3,300.00		\$4,375.00	\$3,015.00		
40'							
40'							
42'							
45'		\$3,650.00			\$3,535.00		
46'							
46'							
46'							
46'							
48'		\$4,645.00	\$4,427.00				
50'			\$5,434.00	\$5,700.00	\$4,300.00	\$4,200.00	
52'		\$4,991.00					
54'							
55'			\$5,947.00				
60'					\$5,350.00		
61'-Up							
64'							
70'							
72'							
75'							
76'							
80'							
90'+							

# AGENDA ITEM #19

Slip Length	Lake LBJ Horseshoe Bay, TX Annual	Emerald Point Marina Lake Travis, TX Annual Lease
18'		
20'		\$2,520.00
24'		
24'		
25'	\$2,809.00	
25'	\$3,001.00	
26'		\$2,700.00
26'		
26'		
26'		
28'		\$3,000.00
30'	\$3,900.00	
30'		
32'		
34'	\$4,908.00	
35'		
36'		\$5,880.00
36'		
36'		
36'		
38'		
40'	\$5,904.00	
40'		
40'		
42'		
45'		\$8,280.00
46'		
46'		
46'		
46'		
48'		
50'		
52'		
54'		
55'		
60'		
61'-Up		
64'		
70'		
72'		
75'		
76'		
80'		
90'+		

Dock	Slip Length	Open or Covered	Seasonal or F/Y	2008 Fourwinds Slip Rate
A	18	C	S	\$1,215.81
	24	C	F	\$2,811.90
B	20	O	S	\$1,157.52
	20	C	S	\$1,569.31
C	20	C	S	\$1,569.31
	24	C	S	\$2,040.64
	20	O	S	\$1,135.47
	24	O	F	\$1,981.72
	26	O	F	\$2,147.76
D	36	O	F	\$3,150.42
	36	O	F	\$3,357.90
	36	O	F	\$3,565.38
	36	O	F	\$3,778.32
	46	O	F	\$4,078.62
	50	O	F	\$4,275.18
E	30	C	F	\$3,923.33
F	24	O	F	\$2,020.20
	26	O	F	\$2,189.46
	28	O	F	\$2,440.62
	32	O	F	\$2,762.76
	36	C	F	\$4,707.99
G	42	O	F	\$3,549.00
	42	O	F	\$3,838.38
	46	O	F	\$3,794.70
	46	O	F	\$4,078.62
	48	C	F	\$6,277.32
H	42	C	F	\$5,492.76
	54	C	F	\$6,747.30
I	30	C	F	\$3,923.33
	42	O	F	\$4,389.27
J	32	C	F	\$3,532.62
	26	C	F	\$3,041.22
	26	C	S	\$2,189.46
K	46	O	F	\$4,078.62
	50	O	F	\$4,275.18
	46	O	F	\$4,373.46
	50	O	F	\$4,750.20
	60	O	F	\$5,700.24
	76	O	F	\$7,315.31
SD	72	C	F	\$9,415.98
EZ-Port	-	O	S	\$682.50

